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ABSTRACT

The myths, politics, and realities of public school choice in Canada are explored. With the crisis of confidence in the public education system that has been documented in recent years, parents are seeking to ensure academic success for their children through choice of schools, under the theory that there is no universal best school model. Public school choice encompasses a number of initiatives to provide a variety of learning environments for different learning needs. Alternatives envisioned for Canadian public schools revolve around school mission, ethos, discipline, standards, time tables, methods of instruction, magnet programs, and degree of parental involvement. Even when parents are armed with information about programs available, access to choice varies widely in Canada. Canadian school boards, with some exceptions, have hardly welcomed the pressure for more school choice, and teachers have demonstrated discomfort with allowing parents to choose between schools. One alternative that is creating great interest is that of charter schools, public schools that operate with a performance contract negotiated with the school board or state. The charter school experience in the United States and a study of the Canadian charter experience in Alberta provide information that should enlighten the political debate over charter schools that is ongoing in Canada, especially in the media. Charter schools in Canada may remain a handful of isolated experiments, or their momentum may grow. Recommendations are made for studying charter school proposals and implementations. (Contains 48 references.) (SLD)

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CHOICE AND CHARTER SCHOOLS IN CANADA

The Myths, Politics and Reality

Helen Raham
Society for the Advancement of Excellence in Education

January 1998

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Helen Raham
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Presented to the American Sociology of Education Conference
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CHOICE AND CHARTER SCHOOLS IN CANADA: THE MYTHS, POLITICS AND REALITY

"Children should not have to run from school to school shopping for a better education."[1] *Bauni Mackay, President, Alberta Teachers' Association*

INTRODUCTION

School choice is laden with innuendo. It is expressed in diverse forms, and its intent is usually defined in exclusive terms by those who favour or oppose it. It has aroused intense interest and controversy, fostered polarized politics and triggered power struggles among education players. It has become a dominant issue in Canadian public education which policymakers must address.

Both sides of the debate desire to see every school and its learners successful. Since all can agree we have not yet achieved this goal, it is of value to probe the myths, politics and reality of public school choice in Canada.

SCHOOL CHOICE IN CANADA: AN OVERVIEW

There has never been a time in the history of public education when parents have been so prepared to control the destiny of their children's education. The search for excellence in schooling is driven by the well-established link between education and future success. Canadian opinion polls on public education over two decades show a pattern of declining confidence in the school system's performance,[2] which may be explained by heightened expectations in a global information economy.

With the crisis of confidence in our public schools, parents are seeking to ensure academic success for their children through choice of schools. A recent Gallup poll found that 70% of adults under-thirty favoured school choice, with the highest approval rate among parents of school-age children. A 1997 poll found that 50% of British Columbians believe more options should be available.[3] For the wealthy and those prepared to make major financial sacrifices, independent/private schools are an option. Enrollment in private schools increased by 4.2% between 1994 and 1996, while public school enrollment grew by just 1.8%.[4] For purposes of this paper and the vast majority of Canadians, however, we focus on the dimensions of school choice in the public domain.

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[1] Bauni Mackay, Address to Conference Board of Canada, Vancouver, April 17, 1994

[2] Guppy, Neil & Davies, Scott. 'Understanding the Declining Confidence of Canadians in Public Education', paper presented to American Sociological Association, August, 1997

[3] McIntyre and Mustel, May 1997, considered accurate to plus/minus 4.5% 19 times out of 20

[4] Dunning, Paula. Education in Canada. Canadian Education Association.1997. p.37

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The Objectives of Choice

The inability of the "one-size fits all" neighbourhood school to meet the rising and widely varied expectations of parents has generated a growing demand for school choice options. If "Much of the enthusiasm for choice is rooted in frustration with the inequality and the rigidity of public schooling"[5], then school choice has the potential to override bureaucracy, stimulate innovation and effectiveness, and foster diverse programs for students.

The choice theory assumes there is no universal 'best' school model. Schools have the freedom to offer programs within a framework of standards set by the government which provides the funding. How those goals are achieved is designed by the individual school, based on the needs of its students, and continued funding depends upon measured success. Parents are encouraged to choose a school based on its ability to meet their children's needs. This fundamental shift creates entrepreneurial schools with a strong incentive to design innovative programs, operate at maximum efficiency, and strive for continuous learning gains.

Schools of choice add capacity by harnessing their communities. A study of exemplary Canadian secondary schools[6] found that strong parental support is a key element in their success. When parents actively choose an approach to learning, that school and its students have increased opportunities for success.

School choice adds to our knowledge about successful instruction and delivery of curriculum, about what works for which students. These insights can be replicated in other schools across the system. Thus, choice provides both marketplace spur and research data to generate improved educational services for all students

The Choice Spectrum

Public school choice encompasses a cluster of initiatives to provide a variety of learning environments for different learning needs. It assumes a degree of *school based management* which permits schools to develop unique missions and make decisions about delivering programs and allocating resources. A *decentralized school district* encourages diversity among schools and provides parents and students with meaningful options. *Open boundaries* permit parents and students to select schools within and sometimes outside the district. *Alternative, magnet and charter schools* offer unique programs or unique delivery methods to meet needs of a particular student body such as drop-outs, French immersion, fine arts students. All of these options directly challenge the 'neighbourhood school' policy of many school districts which deliberately attempts to homogenize all schools to present a common school experience for all.

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[5] Gaskell, Jane. *Dilemmas of Educational Choice*. 1995. p. 18

[6] Gaskell, Jane.(1995) Secondary Schools in Canada. p. 33

A Growing Trend

A survey of international trends in education by the Organization of Economic Cooperation and Development (OECD) found that no school system can afford to ignore the growing desire for choice in education.[7] In 1996, the OECD challenged governments to "establish an environment that encourages individuals to take greater responsibility for their own and their children's learning and, where appropriate, permit choice as to where they acquire the learning they need."[8]

In Canada, the Corporate-Higher Learning Forum recommended: *"Encourage schools to define their mission, to select the methods of attaining it, and to assume responsibility for results. Clients should be able to choose the institution that best satisfies their need and aspirations. This implies real differences among institutions and honest information about their services."*[9]

The Economic Council of Canada urged: *"In our view, provincial policy and school board practice should be designed to increase the opportunity of choice of school for all parents and their children within the public school system. The advantages of freedom of choice among schools in the public system include increased accountability of principals and teachers for educational outcomes. It would place a high value on excellent teaching. It would help to decentralize responsibility to local schools and parents. It would help to identify weak spots in the system so that remedies could be introduced to upgrade schools that are performing poorly....School choice would also offer the opportunity for and means of assessing differences in teaching approaches, in school ethos, and in school organization and other factors that affect educational outcomes."*[10]

Historic Choices

Canada's first public schools were established in Ontario in 1807. Questions about school choice and the right to diversity in publicly funded schooling are imbedded in our history. Until recently, such questions revolved chiefly around religion, language and culture.

Religious choice in public education varies from province to province as a result of the BNA Act of 1867, which required provinces to support denominational schools where they existed. In some provinces, this resulted in the right to attend publicly funded denominational schools. In other provinces, religious schools receive no government funding, while several provinces grant partial funding.

Choice of language of instruction is also historic. The 'Manitoba schools question' caused a bitter controversy in the 1890's over the right of Catholics in Manitoba to

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[7] Hirsch, Donald. (1994) School: A Matter of Choice. OECD.
[8] OECD. *Innovations in Education*. vol. #1, spring 1996. Paris
[9] *To Be Our Best: Learning for the Future:* Corporate -Higher Learning Forum.1990. Montreal
[10] *A Lot to Learn: Education & Training in Canada*. Economic Council of Canada: 1992. p.54

publicly funded French language schooling. Official bilingualism of the 1970's created federal support for French immersion schools across the nation.

Schooling as a cultural choice is illustrated through native schools. First Nations people gained control over their schools in 1973, offering First Nation families schools to perpetuate traditions, languages and pride in native culture.

Contemporary Choices

Today, a broader range of choices is envisioned for Canadian public schools. These alternatives revolve around school mission, ethos, discipline, standards, timetabling, methods of instruction, magnet programs and degree of parental involvement. The schools may serve a particular clientele. Examples of existing alternatives include single sex, 'back to basics', rigorous academies, fine arts, technical schools, schools for street youth, schools for gay youth, Montessori, work experience, science and technology schools, virtual schools, Mandarin immersion, schools for gifted, music or sports schools.

Among the most popular alternatives sought are 'traditional back-to-basics schools'. Based on the 'effective schools' literature, they are formed with a mission to emphasize discipline, homework, teacher-led instruction, high academic standards, a dress code and strong parent involvement. Around the country, whenever a school district opens up such a school, parents clamour to enroll their children. Waiting lists are long. *R.H King Academy*, a highly structured public high school in Scarborough, has gone to a lottery system for dealing with heavily oversubscribed registrations. Parents line up in sub-zero temperatures for a coveted spot at *Richview Collegiate Institute* in Etobicoke. Parents camp out for a week to secure a place in the registration line-up at *Surrey Traditional* or *Abbotsford King Traditional* in B.C.

The availability of information on school performance has generated increased pressure for school choice. Quebec has published high school exam standings for both public and private schools since 1993, assisting parents in school selection. A growing number of provinces now require school districts to release this information. Some districts, such as North York, Ontario, provide parents with extensive annual school profiles.

Access to Choice

Even armed with information, parental access to choice varies widely. Manitoba has the most generous school choice legislation in Canada, where parents may select any school in the province, provided there is enrollment space and the parent assumes transportation responsibilities. In Quebec, where the right of parents to select schools in keeping with their educational values was recognized in the early 1980's, school boards responded to intense competition from private schools by offering a proliferation of special purpose public schools. In other provinces, access to alternative public schools varies widely.

In some urban districts, open enrollment is standard practice, provided space is available. In others, movement beyond the neighbourhood school is severely restricted through attendance boundaries and a deliberately onerous transfer process. Edmonton Public School Board, is the leader in providing choice. Today, some 30% of Edmonton Public's elementary students and 52% of secondary students attend schools other than their neighbourhood schools.[11]. Toronto's Board of Education offers more than 20 alternative schools.

Rural settings offer parents even fewer options, should the local public school not meet their expectations. Edmonton's John D. Bracco School provides a new choice to some rural students through virtual home schooling.[12] Many documented examples exist of parental struggles to retain small community schools rather than bus students long distances to consolidated school complexes. The Margaree, Nova Scotia, proposal for a community operated school typifies the response of a resourceful and determined community to a threatened school closure.[13]

School Board Responses

Canadian school boards, with some notable exceptions, have hardly welcomed the pressure for more choice. Frequently lacking policy and procedures to deal with requests for alternative programs with clear and objective criteria, the reaction of many boards is defensive and political. Often the system seems more intent on penalizing excellence through diversity than rewarding it. For every alternative public school that is established, there are many stories of failure to act:

The Waterloo County Board of Education rejected a parent group proposal in 1994 for an Innovative Academic School as a district alternative to provide students 'a structured, consistent, direct instruction environment with clearly defined standards of academic achievement'.[14]

A group of fifty families in Barrie, Ontario had the temerity to propose a Waldorf-styled experiential school with mandatory parental involvement and an extended curriculum to their Simcoe board. They were rebuffed in September 1995.

The same year, parents and business leaders of Brampton, Ontario put together a community secondary school proposal, pairing a vacant downtown school building with YMCA sports facilities, college computer labs, and city museum, art gallery and library. This proposal [15] combined the mandated curriculum with a community service and job experience program. All necessary agreements were in place,

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[11] Wilkenson, Bruce. (1994) Educational Choice. Renouf. Montreal. p.51

[12] 'Alberta school dismisses boundaries'. *Globe and Mail*. October 8,1997

[13] *Community Operated School (9-12)*. Margaree Education Coaliton. Margaree Forks, Mar.1997

[14] *Innovative Academic School Proposal to Waterloo County Board of Education*. June, 1994.

[15] *Central Community Academy & Co-op Program Proposal*. Ontario Alternate Education Association. Brampton. 1995

$800,000 in start-up funding was secured, the Board of Trade was a willing partner, and eighteen regional superintendents had endorsed the project. The Peel Board of Education turned it down

Eleven B.C. school districts rejected traditional school proposals representing hundreds of supportive parents in each district between 1994-96,[16] despite an education mandate requiring the system to 'provide parents and students with a choice of programs to accommodate varying parent and student expectations'.

Teacher Responses

Teacher actions have demonstrated a discomfort with allowing parents to choose between schools. A glossy teacher publication celebrates the variety of choices available. A closer look shows the majority of examples are alternative courses or add-on programs within neighbourhood schools, rather than distinctive alternative schools.[17] The *Canadian Teachers' Federation* mounted a multi-million dollar campaign in 1996 to defend the neighbourhood school against meaningful public choice initiatives. Over $1.6 million was spent in B.C. alone on television and newspaper ads, conferences and public forums, and brochures sent home through the schools. A BCTF local boycotted two alternative public schools of which it disapproved, a traditional school[18] and a virtual school.[19]

The BCTF president, in urging passage of choice-restricting policies at the 1995 AGM, suggested providing choices will destroy public education. "Canadians have a choice. It's between maintaining a public education system continuing to meet the needs of all students, regardless of wealth, geography or special needs, or a system of two-tiered education: one system for the rich and another for everyone else... Public schools can only thrive when the whole community that is our society comes there to meet, to learn and to build our democracy."[20]

The conclusion is that despite obvious demand, real public school choice is not readily available to many Canadian families. Gaskell reminds us that, "Calls for school choice must not be met with a passionate defense of the status quo, but with an inquiring, open stance and a willingness to look for alternatives that can work within the public school system."[21] But where the system prefers the status quo, a tool must be found to force the existing system to accommodate the demands of parents for broader choice. Increasingly, Canadian parents look to charter schools as that tool.

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[16] Coleman, Peter. *The Pressure for Choice: An Analysis of Proposals Made to School Boards in B.C.* 1998

[17] *Public Choice, Public Schools.* (1996) BCTF. Vancouver

[18] 'Teachers aim to block new school' *Vancouver Sun.* May 9,1994

[19] *Surrey Teachers' Association Newsletter, April 7, 1996*

[20] Teachers urged to take a stand'. *Vancouver Sun.* March 18, 1996

[21] Gaskell, Jane. *Dilemmas of Educational Choice.* Canadian Teachers' Federation. 1995. p. 18

CHARTER SCHOOLS

"Charter schools are a powerful tool to provide communities, schools and teachers maximum flexibility to give students more opportunity to reach high standards of achievement, to improve teaching and learning in our schools." President Clinton, 1995

What is a Public Charter School?

Charter schools offer educators and parents opportunities to create new learning environments for children within the public domain. Charters are public schools which operate on a performance contract negotiated with their elected school board or the state. While responsible for all mandated curriculum, charter schools are formed around a specific education mission or philosophy. They hire staff to implement that program, enjoy considerable professional autonomy from bureaucratic regulations of central district administration, and directly manage their own funding allocations. Enrollment is by choice. Charter schools may not charge tuition fees, teach religion or discriminate in admissions. They are rigorously monitored and, to retain their charter, schools must meet all specified performance standards and continue to attract students.

No two charters are alike. A school may be a completely new entity or an existing school which chooses to charter. Many fill a special niche with a focus such as technology or performing arts; others serve a special population. Some implement a particular style of pedagogy or innovative teaching methods with a degree of consistency that could not be achieved in a typical school. Some are housed in regular buildings; some in non-traditional settings such as shopping malls or recreation centres. Schools range in size from 20 to 1400 students. Many offer the best of alternative approaches, such as small classes and hands on-learning.

Charter schools receive the same per capita funding as other schools. They receive all their funding directly, in contrast to regular schools which lose some 25% of their allotment to support layers of district bureaucracy. Charter schools may purchase the most cost-effective services from the district or another source.

Charter schools exercise site-based management. Although the degree of autonomy varies with the legislation, charter schools hire and retain staff based on performance, and bypass district and union regulations which do not serve the school's mission. Where legislation requires application of the district collective agreement, the school may apply for waivers. This flexibility to set working conditions to match the school's mission may include class sizes, instructional time, differentiated staffing, professional development and teacher performance reviews and creates what is known as the 'charter school advantage.'

Because charter schools fundamentally alter the way we do public education, understanding the nature and potential of this powerful tool for change is essential for all public policymakers and educators.

The Purpose of Charter Schools

The intent of charter legislation is to add choices and improve learning. Alberta's Minister of Education, Halvar Jonson, offered his government's rationale for introducing Canada's pioneer charter legislation: "Charter schools are another enhancement to the public school system. They are an opportunity to seek innovative methods and learning environments that will lead to improved student learning."[22] Alberta's legislation reads, "A board or the Minister may establish a charter school if ..the school will have significant support from the community...and the program will potentially improve the learning of students." [23]

The charter option comes into play if boards are unresponsive to calls for choices. When Edmonton parents and educators sought a traditional model school and an all-girls school in 1995, the existence of charter legislation encouraged Edmonton Public Board to approve the schools within the system.[24] And when districts reject sound applications, government may approve the proposals.

The charter concept embodies many of the elements of successful schools[25]:

- **Consistent Ethos:** The charter requires the learning environment to be spelled out clearly in advance. School philosophy, code of conduct, dress code and learning climate are understood and supported by staff, students and parents.
- **Collaboration:** The collective responsibility for designing the school program builds a strong learning community and professional commitment to school improvement. Parents and community are represented on the governing council and actively involved in school/learner support.
- **Autonomy**: Charter schools have the authority to ensure decisions consistently support the school's mission. They can allocate their budgets to support school goals and apply the power of waiver over stultifying regulations in central administration and contracts.
- **Accountability:** Charter schools focus on learning results and satisfaction levels because their future depends upon achieving the outcomes specified in their charters and attracting voluntary enrollment.

Evaluating Charter Schools

As unique educational laboratories, charter schools must be subject to comprehensive evaluation.To determine how successfully they are achieving their objectives and serving their students, we must to look to evidence in jurisdictions with longer charter experience. Later in this paper we will examine a research study underway to evaluate Canadian charter schools.

Individual charter schools are required to administer annual mandatory state and district assessments as well as design instruments to assess progress towards their specified goals. Large-scale research is underway by universities, foundations,

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[22] Jonson, Halvar. Address to charter schools conference, Richmond, B.C. November 4, 1995
[23] Province of Alberta. School Act. Section 24.2. 1995
[24] Assistant Superintendent Avi Habinski, Correspondence, March 16, 1995
[25] Schweitzer, Thomas. (1995) The State of Education in Canada. IRPP. Montreal. pp.73-78

teacher unions, consortiums and state and federal governments to examine all aspects of charter schools. Largest of these is the four year National Charter Schools Study, sponsored by the U.S. Department of Education. [26]

The first reports on achievement data are only beginning to emerge. "The hard data on a broad scale simply does not yet exist", says Chester Finn,who completed a comprehensive two-year study of over 50 charter schools serving 16,000 students across fourteen states.[27] "Most charter schools have not yet been operating two full years, insufficient time to produce meaningful achievement data." Nevertheless, some schools are pointing to impressive learning gains against their previous benchmarks and district norms.

In early 1998, Colorado released an evaluation report on 24 of its oldest charter schools. Charter students performed significantly better than the state average in statewide reading and writing assessments. Nine schools provided data indicating they are exceeding performance expectations defined in their charters. The other 15 are meeting expectations. All 24 schools have established baseline data from which student achievement can be tracked over time. All have annual school improvement plans and targets.

Nationally, four trends on charter performance are becoming clear from the research:

Numerous at risk- students are being served

Charters enroll a significantly higher percentage of students from minority groups (49.6%) than do conventional public schools (34%).[28] A similar finding was noted in the larger national study. Minnesota reports half its charter schools serve special populations including the hearing impaired, at-risk, reading disabilities, attention deficit disorders and drop-outs.

Unique and innovative learning environments are being created

Creative new models are being offered to meet special needs and open doors for students who have not found success in their neighbourhood school. New education theories are getting a test run and their results documented for others.

Stronger community and parent partnerships are being forged

Charter parents usually have an active governance role and signifantly higher rates of school volunteerism. Charter schools have creative partnerships with community organizations and the private sector in the form of donated classroom space, technology, services and supplies. Partners include such diverse agencies as the corrections system, native tribes, universities, recreation departments, museums, corporations, and the National Education Association.

More education dollars are going to students

Charters are finding cost-efficiencies and are re-directing dollars to support instruction. Vaughn Street charter saved $1.2 million of a $4.6 million budget to lower class sizes, stretch school year, reverse a district pay cut, and build classrooms. Fenton Avenue School applied almost $1 million in savings to after-school clinics, a family center, English classes, expanded food services, additional staff, a computer network, professional development and reduced class sizes.[29]

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[26] *National Study of Charter Schools: First Year Report.*(1997) U.S. Department of Education.

[27] Finn, Manno, Bierlein & Vanourek. (1997) *Charter Schools in Action*. Final Report. Hudson Institute.

[28] Ibid. p.8

[29] Barrett, Michael. (1995) *Charter Schools: Moving beyond Anecdotal Evidence*

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Acceptance of Charter Schools

In the past six years, 800 charter schools have opened up across the United States. Thirty states have passed charter legislation, since Minnesota became the first in 1991. The National Department of Education plans for 3,000 charters by 2002.

The traditional power-brokers in the education system resisted the charter school concept. Acceptance was slow. However, the major education bodies in the United States now recognize the potential of charter schools to assist in system improvement in their policy. "The world has changed, forcing all our institutions to revisit the way they do things. Schools are no exception."[30]

The National Education Association (NEA), representing 2.2 million teachers, demonstrated a dramatic reversal on the issue. After years of opposition to charters at national, state and local levels, the NEA adopted a proactive role in charter development through their National Charter Schools Initiative. In 1995, the NEA invested $1.5 million to help its affiliates start charter school in five states and assess their progress as mechanisms for systemic reform. In announcing the project president Keith Geiger stated, "We believe that, if done right, charters offer new and exciting possibilities. Charter schools have the capacity to remove the bureaucratic handcuffs and offer NEA members opportunities to remake schools to respond to diverse learning needs."[31] Both the NEA and the American Federation of Teachers (AFT) have policy endorsing charter schools, although restrictive caveats are attached to their support. These include insistance that that charter school employees be covered by the local collective agreement, although applications for waivers are included in their policy.

Other bodies have also adopted policy reinforcing standards already intrinsic to the charter concept and provided for in charter laws, but add conditions around control.[32] The National School Board Association (NSBA) policy recognizes charter schools as one of several mechanisms available, provided that boards retain the 'sole authority to charter'[33]. Policy of the American Association of School Administrators (AASA) supports 'quality innovative delivery systems, including publicly funded charter schools formed under the governance of local public boards', and recommends that 'as public schools, charters must be part of all parental choice plans.'[34] The National Parent Teacher Association (PTA) supports the creation of charter schools when conditions provided in their eleven standards for charter schools are met, and urges further research to obtain data on the outcome of charter efforts.[35]

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[30] Geiger, Keith. National Education Association Press Conference. April, 1996

[31] Bradley, Ann. 'NEA seeks to help start five charter schools'. *Education Week*. April 31, 1996

[32] Dale, Angela (ed.) (1997) The Charter School Workbook. CER. Washington. pp.206-216

[33] '*NSBA statement on Clinton education proposals*'. National School Board Association. February, 1997

[34] '*1997 Legislative Agenda -Charter Schools*'. American Assoc. of School Administrators.

[35] '*Statement of the National PTA submitted to the Committee on Education and the Workforce, House of Representatives hearing*, Cincinatti, Ohio, May 27, 1997

Charter School Challenges

Charter schools are not universally and uniformly successful. Their very nature as innovative experiments and laboratories of learning means that some schools will fail. Since the birth of the charter movement in 1991, five out of some 800 U.S. charter schools have been closed for mismanagement, and several more placed on probation.

Starting new schools outside the safety net and forging new roles for the players while being accountable for improved results is a demanding enterprise. The most common challenges and pitfalls for charter schools identified by the research are: **organizational issues** such as governance problems, lack of planning time before implementation and for on-going development, defining new roles, developing a new culture from scratch, relationships with the school district and unions; **financial issues** including acquiring entrepreneurial management skills and the absence of capital and start-up funding; and **educational improvement issues** such as developing assessment tools and processes for charter renewal and the high percentage of at-risk students these schools are attracting while being responsible for demonstrating rising performance levels. [36]

Improved legislation will assist in solving some but not all of these problems. The long-term success of charter schools remains to be proven. Bob Chase, president of the National Education Association, sums up this gamble in the NEA Charter Schools Initiative brochure, "And if charter schools can live up to their potential, the chances are good that today's charter school movement will become tomorrow's public education reality- and one that is here to stay."[37]

CHARTER SCHOOLS IN CANADA

In 1995 Alberta became the first province in Canada to pass charter legislation. Since then, twelve charter schools have been approved. Alberta's legislation authorizes a maximum of 15 charter schools. Their intended purpose is to 'specialize in a particular educational service to address a specific need. They may complement or add to existing local programs where there are a sufficient number of students who could benefit from the program.'[38]

This mandate excludes the chartering of regular neighbourhood schools, and has given rise to twelve unique schools to date. Special populations being served include gifted students, ESL students, inner-city street youth, and a small rural community. Three schools offer structured 'academic press' programs, two offer mixed ability groupings and differentiated instruction for different learning styles, one specializes in music and one in science. (See *Appendix* for a complete list of schools and a detailed profile of one school).

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[36] *Minnesota Charter Schools Evaluation*. (1997) pp.59-63.

[37] Chase, Bob (1997) *NEA Charter Schools Initiative*. National Education Association. Washington, D.C.

[38] *Charter School Handbook*. Alberta Education. 1995 p.2

Other salient features of the Alberta charter legislation are:

Application Process: Charter applicants must first apply to the local school board. If the application is refused, it may be submitted to the Minister. Five Alberta charters were authorized by a local school board.

No Capital or Start-up Costs: This has created a serious handicap for schools, most of which must use operating funds to lease facilities.

Charter Renewal: The renewal period granted varies from three to five years. The first two schools are in the renewal process this year.

Assessment: Charter schools are required to administer all the provincial assessments. The Auditor General recommends accountability be strengthened by the inclusion of performance measures that demonstrate enhanced or improved learning consistent with the school's particular mandate or learning techniques.[39]

Staffing: Teachers must be certified, but are not required to be members of the Alberta Teachers' Association (ATA).

Labour Relations: Charter school faculty negotiate benefits and working conditions independently with their governing charter boards. Teachers seconded to a charter school under the Calgary board retain all district salary, pension and seniority provisions. One charter school certified as a union in 1997, and is in the process of negotiating its first contract with ATA assistance

Research on Alberta's Charter Schools

A two-year research project, carried out through a grant to the University of Calgary, will provide the first comprehensive overview and detailed analysis of the Canadian charter experience. The first eight Alberta charter schools are participating in the project, which began in early 1997.

Principal investigator, Dr. Lynn Bosetti, is working with Dr. Robert O'Reilly and Dr. John McCarthy, also with University of Calgary, and Dr. David Sande, University of Alberta. The research grant was awarded by the Society for Advancement of Excellence in Education with funding from the Donner Canadian Foundation. The final report is expected to be released in September, 1999.

Patterned after similar research in the US, the study will provide valuable data and understandings about the characteristics of charter schools in a Canadian context. The study will yield rich case studies of the schools and their students, and analyze their challenges and effectiveness in carrying out their charter.

The study will probe school origins, start-up obstacles, facilities, enrollment trends and student demographics. It will examine implementation issues such as governance and fiscal management, personnel practices, workloads, the role of parents and the community, and school relationships with the community and the district. Instructional methodologies, innovations, alignment between philosophy

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[39] *Annual Report of the Auditor General 1996-97*. pp. 86-87.

and practices, learning outcomes, achievement levels and accountability processes will be analyzed. Finally, the study will consider what can be learned from these schools that has implications for schools-at-large. The data will be used to make policy recommendations to governments and educators regarding the design and implementation of future charter schools.

The Canadian Response to Charters

The responses of the major stakeholders in Canada to the charter option are noted below:

Governments

Provincial governments across Canada face similar challenges to which charter schools may offer a partial policy solution:

- fiscal restraint and the need for increased cost-effectiveness
- new expectations of accountability for outcomes of program expenditures
- the desire to address identified areas of weak performance (ie. literacy, graduation rates, success rates for First Nations students)
- demands for local decision-making to balance centralization measures
- the need for innovation and research in teaching, learning, and technology integration

Yet Canadian governments have been slow to enact charter legislation. None have followed Alberta's lead since 1995, although five provinces indicate they are studying the concept and awaiting further evidence. Quebec held a parliamentary hearing on charters in September 1997 with more expected in 1998. Ontario's Minister of Education, John Snobelen, indicated in 1996 he would accept pilot charter proposals [40], but charter laws were not included in Ontario's massive education reform bill of 1997. His successor, David Johnson, indicates the door is not closed, but Ontario's Education Improvement Commission has recommended against them on the grounds that, "funding charter schools would weaken Ontario's system of education by reducing its accountability to society, limiting equality of access and diminishing the efficiencies that now exist."[41]

British Columbia has flatly rejected the option, as a succession of Ministers has referred to the concept as elitist and a form of privatization. Education Minister Charbonneau boycotted a charter schools conference in Vancouver at which several of his counterparts were featured presenters. New Brunswick's Minister of Education, James Lockyer, was quoted as saying, "We have categorically decided we are not doing charter schools. They go against the principle of equal opportunity which has served New Brunswick so well."[42]

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[40] 'Charter school plan considered' .*Globe and Mail*. April 6, 1996.
[41] 'New school choice under study' *Globe and Mail*. December 22, 1997
[42] 'New Brunswick drops boards. *Globe and Mail*.February 26, 1996

School Boards

The policy manual of the Canadian School Boards Association is silent on charter schools. The Alberta School Boards Association has passed three resolutions urging that charters be "under the authority of school boards", have no exemptions under School Act, and that boards be compensated for considering applications and monitoring charter schools.[43] The President of the B.C. School Trustees Association, has consistently portrayed charter schools as "privatization of public education".[44] Some Quebec school boards have demonstrated interest in the charter option, viewing the present restructuring of school boards along linguistic lines as a threat to the preservation of the unique character of some schools.

Teacher Unions

The Canadian Teacher Federation (CTF) and its affiliates have adopted policy to "oppose charter schools and similar initiatives which privatize public schools and undermine the democratic principles upon which public schools are founded."[45] The arguments expressed are borrowed from the earlier rhetoric of their American colleagues. In response to the 'charter threat' they have mounted public relations campaigns, forums 'in defence of public education', and distributed website and print materials to teachers, education partners and public. Until recently, the CTF has refused all invitations to participate in educational conferences to debate the charter concept. Some teachers were denied access to their own professional development funds to attend charter school conferences.[46]

Parent Associations

The Canadian Home and School Federation has no formal policy on charter schools. Alberta Home and School Councils' Association has held discussions, with no resolutions opposing charters carried foward.[47] Parent interest in Canada has come chiefly from local community groups seeking to create new alternative public schools or to strengthen the autonomy of their existing school. The Parent Association of Samuel Genest Catholique College presented a petition of 2,300 names to the government in support of its charter proposal.[48] Numerous small rural schools facing threats of closure due to consolidation have explored the charter possibility. All have been frustrated by the absence of legislation.

Business Community

In contrast to the United States, where the Business Roundtable has taken an active role in pressing a legislative agenda for systemic school improvement which includes charters, business in Canada has paid little attention to the charter potential.

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[43] Policy Handbook. Alberta School Boards Association. 1994-97. Edmonton

[44] James, Carole. 'President's report'. *BCSTA Education Leader*.November 20, 1997

[45] B.C.Teachers' Federation policy resolution. 1995 AGM

[46] Surrey Teachers' Association. October, 1995.

[47] Liz Dobrovolsky. President, Alberta Home and School Councils' Assoc. letter. Jan. 6, 1998.

[48] Press release, Association des Parents du College Catholique Samuel-Genest, Nov. 18, 1996

Charter School Politics

The debate over charter schools has become highly charged. The concept is a new and difficult one to the Canadian public. The research provided by teacher federations, who have the greatest resources to address this issue, has been unbalanced and negative. Federation materials contain incomplete and highly selective evidence, double standards for comparisons, inappropriate linking with vouchers, for-profit operations, 'right-wing Christian fundamentalists' and other misleading scare tactics.

Charter schools, a treat for the rich and influential, is the headline for a publication sent home with students by Ontario teachers, forecasting the end of the neighbourhood school. *Charter Schools-the Privatization of Pubic Education*[49] and *Ten Problems with Charter Schools*,[50] distributed widely by the B.C. Teachers Federation, equate charter schools with inequalities, segregation, social fragmentation, catering to special interest groups, and exclusion of students with special needs.

Heather-jane Robertson, Professional Development Director for the Canadian Teachers' Federation, co-authored Class Warfare, the Assault on Canada's Schools, which characterizes charter schools as part of a right-wing corporate agenda to privatize public education for profit.[51] Robertson's cross-Canada lecture tour on behalf of the CTF *Defence of Public Education* campaign, maintained "charter schools are about preserving privilege and perpetuating bigotry."[52]

The Canadian Centre for Policy Alternatives, funded in part by the CTF, has produced *Charter Schools: Charting a Course to Social Division*[53] commissioned by the Ontario Teachers' Federation. The author, Murray Dobbin, also directed the anti-charter schools campaign for the B.C. and Ontario Teacher' Federations. His treatise fails to provide balanced research, and concludes the argument for charter schools is based on a myth.

Teacher federation opposition to *charter schools* or even milder reforms has resulted in political actions such as:

- Using professional dues for protest campaigns and political action[54]
- Formation of broad-based coalitions with unions and social activist groups

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[49] Beer, Theresa. (1995). *Charter Schools-the Privatization of Public Education*. BCTF. Vancouver

[50] Kuehn, Larry. (1995)*Ten Problems with Charter Schools*. BCTF. Vancouver

[51] Barlow, Maude & Robertson, Heather-jane (1994) Class Warfare: the Assault on Canada's Schools. General Publishing

[52] 'Teachers fear right-wing takeover'. *Kelowna Courier*. February, 1995

[53] Dobbin, Murray. (1997). *Charter Schools:Charting a Course to Social Division*. Canadian Centre for Policy Alternatives. Ottawa

[54] BCTF donated $300,000 to the Ontario Teachers' Federation political action campaign against Bill 160 in December 1997

- Trustee candidate surveys designed to identify candidates with "personal agendas such as charter schools, fundamentalist beliefs, etc."[55]
- A two-week illegal strike by Ontario teachers, closing schools for two million students
- Advertising campaigns against government and opposition election candidates deemed to be supporters of charter schools
- Days of action, anti-government rallies, and green-ribbon protest campaigns in the schools

The spectre of charter schools is frequently raised to rally teacher, parent and public opposition to a variety of education reforms, including increased accountability and cost-effectiveness. The five Ontario teacher unions distributed a package to their members prior to the illegal teacher strike in December 1997, which claimed, "We know that decreased funding of Ontario's public schools could result in increased funding to charter schools or private management of public schools resulting in a many-tiered system of education."[56]

Typical of the level of political rhetoric is the statement by the president of the Ontario Secondary School Teachers' Federation denouncing the government: "The ultimate goal is a two-tiered education system, a privatized education system based on charter schools... .The fact that the Crombie education sub-panel is working on how to implement charter schools tells us vouchers may be on the way. This is the monster we face- a two-tiered education system, a have and have-not future for our students. We must not let them do it...This is not the time for appeasement; this is not the time to give in to this government. We must protect our members, we must protect our students and our schools and our public education system."[57]

Continued political action is promised. Following the recent two-week strike, the OSSTF president stressed the need to continue the fight. "This protest has strengthened all of us as teachers and education workers for the long fight ahead to defeat this government in the next election."[58]

In contrast, the President of the Pennsylvania State Education Association issued this press statement when Pennsylvania recently became the 30th state to enact charter legislation, "Well-designed and implemented charter schools can open new vistas for teachers working in partnership with communities. When well designed, charter schools can become change agents within the public education system by chartering and creating new ways of teaching and learning. PSEA is committed to education reform within public schools that promotes rigorous learning standards,

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[55] *Maple Ridge Teachers' Association Bulletin*. November, 1996
[56] *Issues in Education*, September 1997. OTF, AEFO, FWTAO, OECTA, OPSTF.
[57] Earl Manners, President OSSTF. December 1996.
[58] Earl Manners, President OSSTF. 'Strike has made a point'.*Globe and Mail*.November 7,1997

decentralized shared decision-making, diverse educational offerings and the removal of onerous administrative requirements."[59]

It seems Canadian teacher federations will require additional time and information to progress to this level of acceptance of charter schools.

Policy Implications (Sorting Myths from Reality)

In recent months, charter schools have been mentioned with increasing frequency in the mainstream Canadian media. This public dialogue is an important part of the process leading to policy formation and legislation. The future of charter schools in Canada will depend upon the extent to which we can agree on their purpose. This places high stakes on the public relations battle to build understanding of the concept and pressure for or against enabling legislation.

Canadian policymakers must weigh the potential benefits of charter schools against any possible negative consequences. The major considerations can be grouped into four themes: equity, diversity, accountability, and power. An additional question is how best to manage change in the system. The policy options chosen will depend upon the understandings developed around these issues.

Equity

Canadian society prizes egalitarism. If charter schools are perceived as instruments to divide students on the basis of class or ability, they will fail to capture public and policy-makers' support. If they can be used as a tool to increase opportunities for the disadvantaged, they will resonate with the public. One must examine the claims and the evidence around equity.

Charters create a two tiered system.

This theory assumes all students presently enjoy equal educational opportunities. In practice, vast differences exist in public school quality. These are determined by location (family income-related), organizational effectiveness (administration) and availability of existing alternatives (the majority of which, appeal to the elite). These factors all favour upper-middle class students. "The status quo of neighbourhood schools is not a system in which all students enjoy an equal opportunity to learn."[60]

If all students should have equal opportunity to attend successful schools, then charters provide a vehicle to take what is only available to the rich and extend these opportunities to low and middle income families.

Some assume the poor have no interest in choice, and their children will be left behind. This argument patronizes and underestimates the poor, and is contrary to

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[59] Gondak, David. President, Penn. State Education Association. press statement, June 4, 1997.
[60] Gaskell, Jane (1995) *Dilemmas of Educational Choice*. p.18

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the evidence from the longest-running of school choice programs.[61] An inner-city Detroit charter received 5,000 applications from ghetto families for its 350 spaces[62], demonstrating that the desire for better schools is not limited to aggressive, upwardly-mobile suburban parents. Increasing the variety of quality options available will ensure even the least skillful at choosing are not harmed.

The primary reasons reported by parents for choosing a charter school were not social, but educational factors: school size, class sizes, quality of instruction, high standards and philosophy.[63] As some schools by good management attract more resources, better teachers and programs, we will need to devise mechanisms to level the playing field up, not down, for all. One policy option is to encourage Canadian charter proposals directed at disadvantaged students.

Charter schools are elitist.

Critics say, "The existence of charters contradicts the principle of equal access and opportunity for all students served by a public system."[64] The reality is charters are prohibited by law from screening students, excluding special needs, or charging tuition. When oversubscribed, the overwhelming number of schools use a random lottery system for assigning places. Although concerns have been raised about subtle screening devices, such as family ability to provide transportation and volunteer services, schools have been remarkably resourceful and flexible in resolving these barriers.

Far from creaming the best students, charter schools are serving a higher percentage of disadvantaged students than regular schools.[65] They must provide an atmosphere where students flourish and achieve, regardless of demographic and socio-economic factors.

Diversity

Charter schools encourage social fragmentation.

Do students need a single common educational experience to understand democracy, citizenship and tolerance in a diverse society? To support this position one would need to demonstrate that students of currently sanctioned alternative public schools such as Montessori or French immersion schools have not developed suitable citizenship qualities. Mirroring our increasingly diverse society, students have diverse learning styles and needs, and families have legitimately diverse values. The challenge is to ensure that different learning options accommodate these needs without sacrificing broad democratic ideals of our Canadian culture.

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[61] Fliegel, Seymour (1993). Miracle in East Harlem. Manhatten Institute. New York. pp.185-195

[62] Raham, Helen. (1994) *Charter Schools: Lessons Canada can Learn*. Teachers for Excellence p.10

[63] Finn, Manno, Bierlien & Vanourek. (1997) *Charter Schools in Action*. Hudson Institute.

[64] Willms, Douglas. 'Literacy Skills and Social Class'. *Policy Options*. July/August 1997.

[65] Finn, Manno, Bierlien &Vanourek. (1997) *Charter Schools in Action*.

Accountability

Accountability for performance is a cornerstone of the charter concept. It contradicts the familiar paradigm where schools continue to receive funding year after year regardless of learning outcomes. Accountability systems, however, depend upon agreement on the indicators, and the school system still has little consensus on this.

Teacher federation policy is unalterably opposed to evaluating schools based on results of standardized testing.[66] Yet, policy which sets annual achievement results as the basic anchor indicator of school success may have greater impact than all other reforms. "The day-to-day interactions of teachers and students in classrooms- what ultimately determines what students learn in school- are remarkably insulated from public education policies. An exception has been accountability systems. Using student scores on prescribed tests to make judgments about the quality of education provided in particular schools or school districts has evoked changes in what happens in classrooms."[67]

This does not suggest that test scores are the single criteria of success; charter schools are also required to demonstrate other measures for assessing progress towards their goals. The challenge to school systems at large will be to build a "menu of indicators that will track performance capacity and integrate the data into decision-making in such a way that full potential is realized."[68]

In holding their teachers accountable for student learning, charter schools offer new models of evaluation and personnel practices which depart from traditional collective agreements. These practices relate directly to the needs of the charter school to focus on continuous improvement and professional growth. An analysis of traditional bargaining practices in one large school district finds administration and teacher unions failed to use collective bargaining to improve academic achievement, with a negative impact on educational outcomes.[69] Charter schools, as a policy option, provide the capacity for management and labour to develop new ways to include accountability for learning in their compacts.

Power

The heart of the policy debate over charter schools is who makes what decisions. Competing themes of centralization and decentralization have dominated school reforms of the past decades. Government needs for cost and quality control and alignment of curriculum standards and measurement have clashed with the

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[66] *Member' Guide to the BCTF*.1995. BC Teachers' Federation. Policy 9.A13.9 p. 49.

[67] Levy, Frank &Richard Murnane, (1996) Teaching to New Standards, Rewards and Reform Fuhrman & O'Day (ed.) Jossey-Bass. San Francisco. p 266

[68] Gibson, Judith & Boivert, Brenda (1997) *Data-Driven Performance: Accountability, Business Planning and Performance Measurement in Government.*Conference Bd. of Canada. p.17

[69] Fuller, Howard. (1997) *Milwaukee Public Schools' Teacher Union Contract: Its History, Content and Impact on Education.* Marquette University. Milwaukee. p.4

movement for community empowerment and site-based decision-making.[70] These find their balance in the charter concept. Governments set central standards; schools develop strategies to meet them and are held accountable for success.

Charter schools challenge school boards and unions to define new roles in supporting educational excellence. The centralized job control, uniformity and rigid work rules of today will be replaced by more flexible school-specific compacts which include broader roles and incentives for teachers as researchers, designers, co-governors in innovative quality learning environments.[71] In considering charter legislation, establishing the rights, roles and responsibilities of parents and professionals to directly manage their school within an accountability framework will be paramount.

Managing Systemic Change

Like all large bureaucracies, school systems respond slowly. Policy decisions must be made about the wisest strategies for introducing change. Should massive restructuring be introduced all at once for an entire system, as was done in New Brunswick and in New Zealand through the sudden abolition of school boards? Or, should change be introduced as a controlled experiment, an opportunity to be acted upon by schools ready to lead the way, with safeguards and strict monitoring of results built into the process? Charter schools, as pilot projects, represent the latter course.

The Future

Charter schools in Canada may remain a handful of isolated experiments, or the momentum will grow. Ideally, the presence of charter schools will cause all schools and districts to scrutinize performance to ensure they are effectively serving the needs of their communities. Until charter schools reach a critical mass, they cannot reach their potential as a catalyst for school improvement.

Until now, charter school proposers, except in Alberta, have been stymied by the absence of enabling legislation. New information from Maryland suggests that this need not be a stumbling block. Charter schools are now being established in Maryland, without charter legislation. How is this possible?

In 1997, the Maryland Department of Education issued a document advising school boards that local education authorities already possess the authority under the education act to establish public charter schools. "As an issue of local control of public education and accountability,....local boards of education and superintendents are the appropriate authority to *accept applications, evaluate*

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[70] Hess, Alfred (1993) 'Decentralization and Community Control' Reforming Education. Jacobson and Berne (ed.). Corwin. pp. 66-85.

[71] Kerchner, Koppich & Weeres. (1997) United Mind Workers: Unions and Teaching in the Knowledge Society. Jossey-Bass. San Francisco. pp.128-137

them, negotiate, and charter schools that benefit students within their jurisdictions."[72] (See *Appendix* for further details.)

The School Act of B.C. grants school boards the right to "make rules respecting the establishment, operation and management of schools and educational programs to be provided by it."[73] This could be interpreted that a board operating pursuant to the *Act* has the authority necessary to establish and deliver an educational program in the form of a charter school. Such may also be the case in other provinces, opening new possibilities for charter schools immediately, should school boards be willing to entertain proposals. This hypothesis remains to be tested.

CONCLUSION

Public education in Canada must be celebrated and strengthened. Policy options which provide greater choices and opportunities for students to learn successfully can enhance public education. Charter schools offer one hopeful strategy to accomplish this goal. The combination of freedom, accountability and choice in the charter concept holds promise for reinvigorating our schools without dismantling the existing framework and values.

The issues involved are complex, practices deeply entrenched and resistance to power-sharing has yet be overcome. The implementation of charters is a challenge to all players. It requires a shift in basic assumptions and operations and roles. But the opportunity to create an environment which fosters educational excellence and choices for all is worth pursuing.

RECOMMENDATIONS

To facilitate the exploration and development of charter schools Canada, it is recommended that:

1. Research into the effectiveness and impact of charter schools be continued
2. Provincial governments and local school boards establish task forces to examine and share charter schools information with the public and education partners.
3. Provincial governments enact pilot charter legislation which pays careful attention to equity and governance issues.
4. In the absence of provincial charter laws, school boards entertain and authorize community-driven innovative charter proposals (as in Maryland)
5. The Council of Ministers of Education, Canada (CMEC) foster exchange of charter school research through the Canadian Education Research Network and the promotion of innovations in successful practice.
6. A Canadian Charter Schools Agency be established to support the development and implementation of successful charter schools

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[72] *Guidelines for Use by Local School Systems in Considering Charter School Applications.* (1997) Maryland State Department of Education. Baltimore.

[73] Province of B.C. (1989) School Act. Section 85 (1and 2c). Victoria.

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